

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 NSCE-00

SSO-00 USIE-00 INRE-00 OMB-01 DHA-02 AID-05 /058 W

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O 040602Z AUG 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 8390

INFO AMEMBASSY CANBERRA IMMEDIATE

C O N F I D E N T I A L MANILA 11531

CANBERRA FOR DEPSEC'S PARTY

E. O. 11652: GDS

TAGS: PINT, SHUM, RP

SUBJECT: AQUINO TRIAL BEGINS

REF: (A) MANILA 11257; (B) MANILA 11211

1. ON AUGUST 3, SENATOR BENIGNO AQUINO WAS ARRAIGNED BEFORE MILITARY TRIBUNAL NO. 2. AQUINO IMMEDIATELY CHALLENGED COMPETENCE AND IMPARTIALITY OF TRIBUNAL JUST AS HE DID IN 1973 AND 1975. IN LENGTHY STATEMENT WHICH PROSECUTOR UNSUCCESSFULLY ATTEMPTED HAVE COURT INTERRUPT, AQUINO SAID HE DID NOT WISH MILITARY COUNSEL, WOULD ACT AS HIS OWN COUNSEL, AND WOULD NOT PERMIT ANYONE TO SPEAK ON HIS BEHALF. ACCORDING AP HE REMARKED: "CALL ME WHEN YOU ARE READY WITH YOUR JUDGMENT." MILITARY PROSECUTOR COLONEL SISON CHARGED AQUINO WISHED TO USE PROCEEDINGS AS PROPAGANDA FORUM AND SAID ISSUE OF TRIBUNAL COMPETENCE ALREADY DECIDED BY SUPREME COURT. AQUINO REPLIED IT WAS NOT HE WHO HAD SOUGHT TRIAL. EVENTUALLY COURT ITSELF ENTERED PLEA OF NOT GUILTY ON AQUINO'S BEHALF TO ALL SIX CHARGES.

2. BEGINNING OF TRAIL GOT ESSENTAILLY ACCURATE AND HEAVY COVERAGE IN LOCAL PRESS, ALTHOUGH MOST PAPERS  
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DOWNPLAYED AQUINO'S PRESENTATION. FORT BONIFACIO

COURTROOM WAS JAMMED WITH MEDIA REPS, AQUINO FRIENDS, RELATIVES AND OTHERS (INCLUDING MANY NUNS).

3. AUGUST 3 NEWSPAPERS FRONTPAGED EXTRACTS OF JULY 29 NEWSWEEK INTERVIEWS WITH BOTH MARCOS AND AQUINO. MARCOS DENIED DECISION TO TRY AQUINO WAS SUDDEN AND CLAIMED IT HAD BEEN AQUINO WHO HAD WANTED TO DEALY HIS TRIAL. ASKED WHETHER CLEMENCY WAS POSSIBILITY, PRESIDENT SAID HE HAD OFFERED AQUINO AMNESTY PREVIOUSLY BUT THIS HAD BEEN REFUSED. PRESIDENT SAID IF AMNESTY GRANTED, AQUINO WOULD HAVE TO ADMIT THAT ILLEGAL ARMS HE POSSESSED WERE "BEING KEPT FOR A SUBVERSIVE MOVEMENT." IN SEPARATE INTERVIEW, AQUINO TOLD NEWSWEEK HE WOULD NOT HAVE ACCEPTED EXILE IN PAST BUT INDICATED HE WOULD NOW. TO QUESTION, "WHAT WOULD YOU ASK NOW OF MARCOS?" AQUINO REPLIED, "TO ALLOW ME TO GO INTO EXILE LIKE RUSSIA ALLOWED SOLZHENITSYN." HE ALSO REVEALED HE HAD FELLOWSHIP OFFER FROM HARVARD "TO COMPLETE MY POLITICAL RESEARCH".

4. AFTER THIS EXCITING RERUN OF AN OLD DRAMA SESSION ENDED ON FLAT NOTE WITH ANNOUNCEMENT THAT PROCEEDINGS WILL NOT BE RESUMED UNTIL AUGUST 25 AFTER COMMISSION PRESIDENT GENERAL JOSE SYJUCO RETURNS FROM U.S. WHERE HE IS NOW TRAVELLING. FACT THAT SYJUCO NOT HERE OBVIOUSLY BELIES MARCOS ASSERTION THAT DECISION TO TRY AQUINO NOT SUDDEN.

5. COMMENT: ABOVE BASED MEDIA COVERAGE. IN COURT PRESENTATION, AQUINO APPARENTLY DID NOT REFER TO POSSIBILITY OF EXILE, AS HE DID TO NEWSWEEK. ANTI-CLIMATIC ANNOUNCEMENT OF THREE WEEK POSTPONEMENT PENDING SYJUCO RETURN COULD CONCEIVABLY STRETCH INTO ANOTHER ENDLESS DELAY, ALTHOUGH AT PRESENT INDICATIONS ARE THAT MARCOS GENUINELY INTENDS TO RID HIMSELF OF THIS POLITICAL ALBATROSS.  
SULLIVAN

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